



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
PARAG AGASHE, et al.

) For: APPARATUS, METHOD, AND
) SYSTEM OF TRANSFERRING
) CORRECTION INFORMATION

Serial No.: 09/910,365

)

Filed: July 20, 2001

)

Group Art Unit: 3661

**PETITION TO ACCEPT DECLARATION WITH
NONSIGNING JOINT INVENTOR
UNDER 37 CFR § 1.47(a)**

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, dated August 31, 2001, Applicants submit this Petition to Accept Declaration with Nonsigning Joint Inventor Under 37 C.F.R. § 1.47(a).

1. I, Bruce W. Greenhaus, Attorney for Applicant, hereby state that Parag Agashe (as the only available joint inventor of the subject application) has made an oath or declaration on his/her own behalf as required by 37 C.F.R. §1.63 or 1.175, and we hereby request acceptance of such as an oath or declaration (as a signing joint inventor) on behalf of Giovanni Vannucci (the non-signing joint inventor) as provided by 37 C.F.R. §1.64.

02/27/2002 TV0111 00000004 170026 09910365

01 FC:122 130.00 CH

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231, on:

October 31, 2001

(Date of Deposit)

Victoria J. Pacey

(Name of the Person Making Deposit)

(Signature)

2. Applicants have made several diligent attempts to obtain the required signed formal documents from Giovanni Vannucci. Attached hereto are the following exhibits documenting said diligent attempts:

EXHIBIT A: March 27, 2001 email to Giovanni enclosing application, Combined Declaration and Power of Attorney and Assignment for his signature.

EXHIBIT B: October 16, 2001 email to Parag Agashe and Giovanni Vannucci requesting signatures again.

EXHIBIT C: October 16, 2001 email from Parag Agashe informing us of Giovanni's new address.

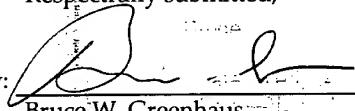
EXHIBIT D: October 16, 2001 email to Giovanni Vannucci at his new address.

3. The last known address (which has been confirmed as the current and correct address in Exhibit C, above) of the nonsigning inventor is as follows:

Giovanni Vannucci
329 Rutledge Drive
Red Bank, NJ 07701

Applicants authorize that the requisite fee of \$130, as set out in 37 C.F.R. §1.17(i), be charged to Deposit Account No. 17-0026.

Respectfully submitted,

By: 
Bruce W. Greenhaus
Attorney for Applicant
Reg. No. 37,339

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-6399
Facsimile: (858) 658-2502

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EXHIBIT A



3/27/01

To: gv@lucent.com
Subject: Fwd: 990576 - non-provisional application
X-Attachments: C:\WINNT\Profiles\vpacey\Desktop\Victoria\patapps\990576\COMBDECL-
POA.doc; C:\WINNT\Profiles\vpacey\Desktop\Victoria\patapps\990576\agashe_final.doc;
C:\WINNT\Profiles\vpacey\Desktop\Victoria\patapps\990576\Assignment.doc;
C:\WINNT\Profiles\vpacey\Desktop\Victoria\patapps\990576\agashe_draw.ppt;

Hello Mr. Vannucci:

I apologize for the delay in getting these documents to you, please find attached the application, figures, and an assignment and combined declaration and power of attorney for you to sign, please return the signed documents to me as soon as possible. If you see any mistakes in your information within the formal documents, please feel free to correct them on the computer before you print them out. Thank you very much.

If you have any questions, please call me at (858) 651-3411.

Thank you

Victoria Pacey

X-Sender: bruceg@clea.qualcomm.com
X-Mailer: QUALCOMM Windows Eudora Pro Version 4.1
Date: Wed, 14 Mar 2001 11:53:55 -0800
To: vpacey@qualcomm.com
From: Bruce Greenhaus <bruceg@qualcomm.com>
Subject: 990576 - non-provisional application

V.

Please provide an electronic copy of the application to Mr. Vannucci together with the figures. If you don't have an electronic copy of all of the figures, please contact Mr. Vannucci and get his fax number so that you can fax him a copy of the figures.

Let's try to get this filed in the next couple of weeks. I'll put it in my Palm to remind me as soon as I return from Israel.

Bruce

Date: Wed, 14 Mar 2001 11:49:28 -0800
To: gv@lucent.com
From: Bruce Greenhaus <bruceg@qualcomm.com>
Subject: Fwd: Re: Provisional Application, our ref.990576

Hello Mr. Vannucci:

I'm the patent attorney from Qualcomm that prepared a patent application entitled "Method and apparatus for sending almanac correction data to a mobile unit in a wireless telephone system" for the invention that you and Parag Agashe co-invented. We are preparing to file the application as a non-provisional application claiming priority to the previously filed provisional application and require your final comments regarding any changes to the application. One of the paralegals in my office, Victoria Pacey, will be sending you a copy of the application for your

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review. Please let me know whether you have any changes to make to the application before we file the non-provisional application.

Also, please be aware that we will be needing your signature on the formal papers that declare that you and Parag are the inventors and that assign the rights to both Lucent and Qualcomm. We will also need to get information regarding the name of the entity that will hold the rights for Lucent.

If you have any questions at all regarding this matter, please feel free to contact me.

Bruce

X-Sender: vpacey@adept.qualcomm.com
X-Mailer: QUALCOMM Windows Eudora Version 4.3.1
Date: Thu, 19 Oct 2000 13:18:59 -0700
To: Bruce Greenhaus <bruceg>
From: Victoria Pacey <vpacey>
Subject: Fwd: Re: Provisional Application, our ref.990576

Giovanni replied..... let me know when you want to file the application
V

Date: Thu, 19 Oct 2000 14:58:13 -0400
From: "Vannucci, Giovanni" <gv@lucent.com>
Organization: Lucent Technologies
X-Mailer: Mozilla 4.7 [en] (WinNT; I)
X-Accept-Language: en,it,de,es
To: Victoria Pacey <vpacey>
Subject: Re: Provisional Application, our ref.990576

US citizen

329 Rutledge Drive
Middletown, NJ (Monmouth County)

Note: The postal address is

329 Rutledge Drive
Red Bank, NJ 07701

Victoria Pacey wrote:

>
> Dear Mr. Vanucci:
>
>> For the purpose of filing the above referenced provisional
>> application in the PTO, could you please let me know
>> your citizenship and residential address as soon as
>> possible.

> > Thank you very much
>
> Sincerely
> Victoria Pacey

CONFIDENTIAL AND ATTORNEY-CLIENT PRIVILEGED COMMUNICATION: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709.

Bruce W. Greenhaus
Sr. Patent Counsel
QUALCOMM Incorporated
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San Diego, CA 92121
(858) 651-6399 (voice)
(619) 980-5413 (cell)
(858) 658-2502 (FAX)

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EXHIBIT B

10/16/01

To: gv@lucent.com
Subject: Fwd: 990576
X-Attachments: C:\Documents and Settings\vpacey\Desktop\Victoria\missing parts\990576\COMBDECL-POA.doc;C:\APPS\EUDORA\Attach\Assignment.doc;

Date: Tue, 16 Oct 2001 08:39:12 -0700
To: "Agashe, Parag" <pagashe@qualcomm.com>, gv@lucent.com
From: Victoria Pacey <vpacey@qualcomm.com>
Subject: 990576

Dear Gentlemen:

We filed the above-referenced application with the United States Patent and Trademark Office (USPTO) without your signature. We have now received a "Notice to File Missing Parts" in which we must submit a signed Declaration and Power of Attorney and also an Assignment from you to Qualcomm. The title of the application is "APPARATUS, METHOD, AND SYSTEM OF TRANSFERRING CORRECTION INFORMATION".

Please find attached a Combined Declaration and Power of Attorney, and an Assignment.

Please review, print, sign and return the documents to me at your earliest convenience. -(If possible, before October 26, 2001.)

Thank you very much

Victoria Pacey

Qualcomm Incorporated
5775 Morehouse Drive
San Diego, CA 92121
AI-129O

Victoria Pacey
Legal Assistant III
Qualcomm Incorporated
(858) 651-3411
vpacey@qualcomm.com

Tuesday, October 16, 2001
Victoria Pacey

Qualcomm Incorporated
5775 Morehouse Drive
San Diego, CA 92121
AI-129O

Victoria Pacey
Legal Assistant III
Qualcomm Incorporated
(858) 651-3411
vpacey@qualcomm.com

10/16/01

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To: Parag Agashe <pagashe@qualcomm.com>
Subject: Re: 990576

Thank you so much, and thank you for the information on Giovanni. As for who the application should be assigned too, I will let you know

V

At 09:43 AM 10/16/2001 -0700, you wrote:

Victoria,

I signed the documents and sent them back to you. Giovanni's email is giovanni@vannucci.com . As far as I know, he does not work at Lucent any more.

Regarding the assignment, should the patent be assigned to QUALCOMM and Lucent jointly?

Parag

At 08:39 AM 10/16/2001 -0700, you wrote:

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Thank you very much

Victoria Pacey

Qualcomm Incorporated
5775 Morehouse Drive
San Diego, CA 92121
AI-1290

Victoria Pacey
Legal Assistant III
Qualcomm Incorporated
(858) 651-3411
vpacey@qualcomm.com

Victoria Pacey

Out

EXHIBIT D

10/16/01

To: giovanni@vannucci.com

Subject: Fwd: 990576

X-Attachments: C:\Documents and Settings\vpacey\Desktop\Victoria\missing parts\990576\COMBDECL-POA.doc;C:\APPS\EUDORA\Attach\Assignment.doc;

Dear Gentlemen:

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Thank you very much

Victoria Pacey

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